

EXHIBIT B

CONDITIONS OF APPROVAL FOR CO 13-0016 (Vanderveen)

Approved Project

A Vesting Tentative Parcel Map (CO13-0016) to subdivide an existing 4.78 acre parcel into four parcels ranging in size from 1.11 acres to 1.67 acres each for the purpose of sale and/or development. The proposal also requests an adjustment to Title 21 (the Real Property Division Ordinance) regarding undergrounding of utilities.

The Title 21 Adjustment regarding the existing PG&E transmission lines is approved; however all new electrical facilities shall be placed underground.

Access and Improvements

1. Roads and/or streets to be constructed to the following standards, unless design adjustments are approved by the Public Works Department in accordance with Section 1.2 of the Public Improvement Standards:
 - a. El Campo Road shall be widened to complete the project frontage of an A-1h rural road section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - b. Montclair Place shall be widened to complete the project frontage of an A-1c rural road section fronting the property within a dedicated right-of-way easement of sufficient width to contain all elements of the roadway prism.
 - c. The driveway approach on Montclair Place shall be constructed in accordance with County Public Improvement Standard B-1a drawing. The centerline of this private access shall align with the centerline of Woodcrest Lane on the opposite side of Montclair Place.

Offers, Easements and Restrictions

2. The applicant offer for dedication to the public by certificate on the map or by separate document:
 - a. 25 foot wide road right-of-way along Montclair Place to be describes as 25 feet from the recorded centerline, with additional width as necessary to contain all elements of the roadway prism.
 - b. A 20-foot radius road right-of-way along the property line returns at the intersection of Montclair Place and El Campo Road.
 - c. A public utility easement along Montclair Place and El Campo Road to be described as 10 feet beyond the right-of-way, plus those additional easements as required by the utility company, shall be shown on the final map.
3. The applicant shall show the following restriction by certificate on the map or by separate document:
 - a. Access shall be denied from El Campo Road and this shall be by certificate and designation on the map.

- b. If drainage basins are required, the basin areas shall be indicated as a building restriction on the map.

Improvement Plans

4. Improvement plans shall be prepared in accordance with County Public Improvement Standards by a Registered Civil Engineer and submitted to the Department of Public Works and the county Health Department for approval. The plan is to include, as applicable:
 - a. Street plan and profile.
 - b. Drainage ditches, culverts, and other structures (if drainage calculations require).
 - c. Water plan to be approved jointly with County Environmental Health.
 - d. Sewer plan to be approved jointly with County Environmental Health.
 - e. Sedimentation and erosion control plan for subdivision related improvement locations.
 - f. Public utility plan, showing all existing utilities and installation of all utilities to serve each lot.
 - g. Tree removal/retention plan for trees to be removed and retained associated with the required improvement for the land division to be approved jointly with the Department of Planning and Building.
5. The applicant shall enter into an agreement with the county for the cost of checking the map, the improvement plans if any, and the cost of inspection of any such improvements by the county or its designated representative. The applicant shall also provide the county with an Engineer of Work Agreement retaining a Registered Civil Engineer to furnish construction phase services, Record Drawings and to certify the final product to the Department of Public Works.
6. The Registered Civil Engineer, upon completion of the improvements, shall certify to the Department of Public Works that the improvements are made in accordance with all conditions of approval, including any related land use permit conditions and the approved improvement plans. All public improvements shall be completed prior to occupancy of any new structure.
7. **At the time of application for subdivision improvements**, the applicant shall submit a Final Stormwater Control Plan (SWCP) prepared by a registered civil engineer. The SWCP shall demonstrate compliance with the following Central Coast Post-Construction Requirements:
 - Performance Requirement #1 - Site Design and Runoff Reduction (for new impervious surfaces >2,500 square feet)
 - Performance Requirement #2 – Water Quality Treatment (for > 5,000 square feet of impervious surfaces)
 - Performance Requirement #3 – Runoff Retention (for > 15,000 square feet of impervious surfaces)
 - Performance Requirement #4 – Peak Management (for > 22,500 square feet of impervious surfaces)
8. **Prior to approval of subdivision improvements, if a structural stormwater device is required**, an operations and maintenance agreement shall be recorded on the title of the property to ensure long-term maintenance and reporting of stormwater control measures.
9. **Prior to final inspections**, once all stormwater measures identified in the approved SWCP have been implemented, the applicant shall contact the Department of Planning and Building for a development review inspection. The applicant shall also provide

certification from a registered civil engineer that all stormwater measures have been installed correctly and are functional.

10. **Annually**, the applicant shall submit reports prepared by a registered civil engineer affirming that all structural stormwater control measures are maintained and functional to the Department of Planning and Building, as required by the operations and maintenance agreement.
11. **For the life of the project**, the landowner is responsible for maintaining the property and all stormwater control measures in compliance with the approved Stormwater Control Plan.

Drainage

12. Submit complete drainage calculations to the Department of Public Works for review and approval.
13. If calculations so indicate, drainage must be retained or detained in a shallow drainage basin on the property [21.03.010(e)(2)]. The design of the basin is to be approved by the Department of Public Works, in accordance with county standards. The basin(s) is to be maintained in perpetuity.
14. The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and/or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.

Utilities

15. All existing overhead electric power, telephone and cable television transmission and distribution lines fronting or contained within the project boundary, with the exception of the existing PG&E power transmission lines running through the center of the property, shall be installed underground.
16. All new electric power, telephone and Cable television services shall be installed underground and shall be completed to each new parcel and read for service. Applicant responsibilities for electric service and distribution line extensions (facilities and equipment) are detailed in PG&E Electric Rule No. 15 and Rule No. 16, respectively.
17. **Prior to final map recordation**, electric, telephone, and cable television services shall be completed, and shall meet the utilities' installation requirements, unless (in-lieu) financial arrangements with the utility for the installation of these systems have been made.
18. New gas distribution mains shall be installed along the entire project frontage(s) and gas service lateral shall be stubbed to each new parcel unless otherwise directed by the gas purveyor.

Design

19. The lot area of Lots 1 through 4 shall contain a minimum area of 1 acre exclusive of area shown for rights of way and any easement that limits the surface use for building construction (Section 22.22.020).
20. The applicant shall apply to the Department of Planning and Building for approval of new street names **prior to the filing of the final parcel** or tract map. Approved street names shall be shown on the final parcel or tract map.

Fire Protection

21. The applicant shall obtain a fire safety clearance letter from the California Department of Forestry (Cal Fire) establishing fire safety requirements **prior to filing the final parcel** or tract map per the referral response dated April 22, 2014 from Cal Fire.

Parks and Recreation (Quimby) Fees

22. Unless exempted by Chapter 21.09 of the county Real Property Division Ordinance or California Government Code section 66477, **prior to filing of the final parcel** or tract map, the applicant shall pay the in-lieu fee that will be used for community park and recreational purposes as required by Chapter 21.09. The fee shall be based on the total number of new parcels or remainder parcels shown on the map that do not already have legal residential units on them.

Inclusionary Housing

23. **Prior to filing the final parcel map or tract map**, the applicant shall enter into an inclusionary housing agreement to ensure the construction of inclusionary housing unit(s), in conformance with Section 22.12.080. As an alternative, the applicant may pay the residential in-lieu fee pursuant to Section 22.12.080.C.2.b, or defer in-lieu fee payment pursuant to Section 22.12.080.J.4.c.

Mitigations

24. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).
25. **At the time of application for subdivision improvement plans and/or construction permits**, if possible, to avoid potential impacts to nesting birds, tree removal associated with project activities shall be limited outside the bird nesting season, which is February 15th to September 15th. However, if tree removal is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist, retained by the applicant, in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance and in consultation with CDFG and/or USFWS. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

Additional Map Sheet

26. The applicant shall prepare an additional map sheet to be approved by the county Department of Planning and Building and the Department of Public Works. The additional map sheet shall be recorded with the final parcel or tract map. The additional map sheet shall include the following:
- a. If a drainage basin is required, that the owner(s) of lot(s) 1 through 4 are responsible for on-going maintenance of **drainage basin / adjacent** landscaping in a viable condition on a continuing basis into perpetuity. The basin(s) area shall be indicated as a building restriction.
 - b. All driveway approaches shall be constructed in accordance with County Public Improvement Standards. All driveway approaches constructed on County roads or project related roads to be accepted for County maintenance shall require an encroachment permit.
 - c. If improvements are bonded for, all public improvements (roads, drainage, and utilities) shall be completed prior to occupancy of any new structure.
 - d. A notice that no construction permits will be given a final inspection until the fire safety conditions established in the letter from Cal Fire are completed. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection approval of all required fire/life safety measures.
 - e. Notification to prospective buyers that streets/roads within the subdivision are to be privately maintained until accepted by a public agency.
 - f. In accordance with Title 13.10 of the County Code, the applicant shall be responsible for paying to the Department of Public Works the South County Area 2 Road Improvement Fees for each future building permit in the amount prevailing at the time of payment.
 - g. **At the time of application for construction permits**, the applicant shall submit a Final Stormwater Control Plan (SWCP) prepared by a registered civil engineer. The SWCP shall demonstrate compliance with the following Central Coast Post-Construction Requirements:
 - o Performance Requirement #1 - Site Design and Runoff Reduction (for new impervious surfaces >2,500 square feet)
 - o Performance Requirement #2 – Water Quality Treatment (for > 5,000 square feet of impervious surfaces)
 - o Performance Requirement #3 – Runoff Retention (for > 15,000 square feet of impervious surfaces)
 - o Performance Requirement #4 – Peak Management (for > 22,500 square feet of impervious surfaces)
 - h. **Prior to final inspection**, the applicant shall contact the Department of Planning and Building for a development review inspection. The development review inspection shall verify that the required performance requirements have been installed and are functional.
 - i. **Annually, if a structural stormwater control device is needed**, the applicant shall submit reports prepared by a registered civil engineer affirming that all structural stormwater control measures are maintained and functional to the Department of Planning and Building, as required by the operations and maintenance agreement.
 - j. **For the life of the project, if a structural stormwater control device is needed**, the landowner is responsible for maintaining the property and all stormwater control measures in compliance with the approved Stormwater Control Plan.

Aesthetics

- k. **At the time of application for construction permits**, the applicant shall submit an Exterior Lighting Plan for County review and approval. The Plan shall define the height, location, and intensity of all exterior lighting. All lighting fixtures shall be positioned “down and into” the development, and shielded so that neither the

lamp nor the related reflector interior surface is visible from surrounding properties. All lighting poles, fixtures, and hoods shall be dark colored. These measures shall be shown on applicable construction drawings **prior to issuance of construction permits** and permanent lighting shall be installed **prior to final inspection**.

Air Quality

- l. Only the following types of wood burning devices shall be allowed (based on District Rule 504): a) EPA-Certified Phase II wood burning devices; b) catalytic wood burning devices emitting less than or equal to 4.1 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; c) non catalytic wood burning devices which emit less than or equal to 7.5 grams per hour of particulate matter, as verified by a nationally-recognized testing lab; d) pellet-fueled woodheaters; or e) dedicated gas-fired fireplaces. **Prior to construction permit issuance**, such devices shall be shown on all applicable plans, and installed as approved by the County.
- m. As of February 25, 2000, the APCD prohibits developmental burning of vegetative material within San Luis Obispo County. However, under certain circumstances where no technically feasible alternatives are available, limited developmental burning under restrictions may be allowed. Any such exception must complete the following prior to any burning: APCD approval; payment of fee to APCD based on the size of the project; and issuance of a burn permit by the APCD and the local fire department authority. As a part of APCD approval, the applicant shall furnish them with the study of technical feasibility (which includes costs and other constraints) at the time of application. For any questions regarding these requirements, Karen Brooks of APCD's Enforcement Division may be contacted (805/781-5912).
- n. *Fugitive PM₁₀ Mitigation Measures* (All required PM₁₀ measures shall be shown on applicable grading or construction plans. In addition, the developer shall designate personnel to insure compliance and monitor the effectiveness of the required dust control measures (as conditions dictate, monitor duties may be necessary on weekends and holidays to insure compliance); the name and telephone number of the designated monitor(s) shall be provided to the APCD **prior to construction/ grading permit issuance**)
 - 1. Reduce the amount of the disturbed area where possible;
 - 2. Use of water trucks or sprinkler systems in sufficient quantities to prevent airborne dust from leaving the site. Increased watering frequency would be required whenever wind speeds exceed 15 mph. Reclaimed (nonpotable) water should be used whenever possible;
 - 3. All dirt stock-pile areas should be sprayed daily as needed;
 - 4. All roadways, driveways, sidewalks, etc. to be paved should be completed as soon as possible. In addition, building pads should be laid as soon as possible after grading unless seeding or [soil binders](#) are used.

Biological Resources

- o. **At the time of application for subdivision improvement plans and/or construction permits**, if possible, to avoid potential impacts to nesting birds, tree removal associated with project activities shall be limited outside the bird nesting season, which is February 15th to September 15th. However, if tree removal is required during the bird nesting season, a survey for nesting birds shall be conducted within two weeks prior to ground disturbing activities by a qualified biologist, retained by the applicant, in and adjacent to the project area. If nesting birds are found to be located within or adjacent to the project area, an appropriate buffer area shall be established by a qualified biologist to ensure protection of the nesting birds. The biologist shall determine the appropriate buffer distance based on the bird species, topography, vegetation, and type of disturbance and in consultation with CDFG and/or USFWS. At a minimum, the buffer area shall be delineated with brightly colored construction fencing. No

construction, grading, or equipment staging activities shall occur within the buffer area, which shall remain in place until the biologist has determined that the young have fledged from the nest.

Water Conservation

- p. **At the time of application for construction permits**, the applicant shall pay a supplemental water development fee for dwelling unit equivalent similar to that required by County Ordinance for properties located within the Nipomo Mesa Water Conservation Area.
- q. **At the time of application for construction permits**, if the County's supplemental water fee is not adopted, the applicant shall enter into an agreement with the County that the applicant will provide retrofitting within the Rural Water Company boundary to off-set the additional water usage generated by new development on the parcels. This equates to 0.3325 afy for each parcel (1.33 afy overall estimated total/4 parcels). Evidence of retrofitting and the estimated amount of water saved through retrofits will be required **prior to permit issuance of construction permits**.
- r. In order to decrease water demand, **at the time of application for construction permits**, the applicant shall provide the following on the project plans and landscaping plans:
 - 1. Plans shall incorporate all feasible low impact design (LID) features.
 - 2. Landscaping plans shall not use irrigated turf.
 - 3. Landscaping plans shall include low water using, drought tolerant plant species, preferably plants native to the region.
 - 4. Each parcel's total landscaped area shall not exceed 1,500 square feet.
 - 5. Use of cisterns and rain barrels.
 - 6. Use of rain gardens or pervious pavement, and vegetated swales.
 - 7. Use of greywater systems for irrigation.

Covenants, Conditions and Restrictions

- 27. The developer shall submit proposed covenants, conditions, and restrictions for the subdivision to the county Department of Planning and Building for review and approval and recordation along with the map.
 - a. If a drainage basin is required, on-going maintenance of the drainage basin in a viable condition on a continuing basis into perpetuity.
 - b. Maintenance of all streets/roads within the subdivision until acceptance by a public agency.
 - c. Notification to prospective buyers that an additional map sheet was recorded with the final parcel or tract map. The restrictions, conditions and standards set forth in the additional map sheet apply to future development. It is the responsibility of the prospective buyers to read the information contained on the additional map sheet.

Miscellaneous

- 28. This subdivision is also subject to the standard conditions of approval for all subdivisions using community water and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.
- 29. All timeframes on approved tentative maps for filing of final parcel or tract maps are measured from the date the Review Authority approves the tentative map.

STANDARD CONDITIONS OF APPROVAL FOR SUBDIVISIONS USING
COMMUNITY WATER AND SEPTIC TANKS

1. Community water and fire protection shall be obtained from the community water system.
2. Operable water facilities from an approved Public water source shall be assured prior to the filing of the final map. A "final will serve" letter shall be obtained and submitted to Environmental Health Services for review and approval stating there are operable water facilities immediately available for connection to the parcels created. Construction of required improvements (water main extensions, laterals to each parcel) may be delayed, through preparation of plans, posting of bonds, and subject to the approval of County Public Works, Environmental Health Services, and the public water utility. However, bonding may **not** occur for the water well(s) construction, quantity and quality.
3. No residential building permits are to be issued until the community (public) water system is operational with a domestic water supply permit issued by Environmental Health Services.
4. In order to protect the public safety and prevent possible groundwater pollution, any abandoned wells on the property shall be destroyed in accordance with the San Luis Obispo County Well Ordinance Chapter 8.40, and Environmental Health Services destruction standards. The applicant is required to obtain a permit from the County Health Department.
5. When a potentially operational or existing auxiliary water supply (in the form of an existing well(s)) is located on the parcels created by this subdivision and approved community water is proposed to serve the parcels, the community water supply shall be protected from real or potential cross-contamination by means of an approved cross-connection control device installed at the meter or property line service connection **prior to occupancy**. (Chapter 8.30, San Luis Obispo County Code).
6. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan and County Building and Construction Ordinance, Title 19, will be an acceptable method of sewage disposal, until public sewers may become available.
7. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek bank, drainage swale or area subject to inundation.
8. For parcels created with approved community (public) water but no community sewers, the approved on-site sewage disposal system shall be designed, where feasible, for ease in ultimate sewerage.
9. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve 5 or more parcels shall be separated by a minimum of two hundred (200) feet from a leach field, two hundred and fifty (250) feet from seepage pits or dry wells.

10. Individual systems on new land divisions shall be designed and constructed to either reserve sufficient site area for dual leach fields (100% replacement area), or construct the dual leach fields with a diverter valve at the time of initial septic system installation.
11. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the County Planning and Environmental Health Services for review and approval **prior to the issuance** of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for on-site subsurface sewage disposal.
12. An encroachment permit shall be obtained from County Public Works for any work to be performed within the county right-of-way.
13. An encroachment permit shall be obtained from the California Department of Transportation for any work to be performed on the state highway.
14. Any existing reservoir or drainage swale on the property shall be delineated on the map.
15. Prior to submission of the map "check prints" to County Public Works, the project shall be reviewed by all applicable public utility companies and a letter be obtained indicating required easements.
16. Required public utility easements shall be shown on the map.
17. Approved street names shall be shown on the map.
18. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
19. The developer shall submit a preliminary subdivision guarantee to County Public Works for review prior to the filing of the map.
20. Any private easements on the property shall be shown on the map with recording data.
21. All conditions of approval herein specified, unless otherwise noted, shall be completed prior to recordation of the map.
22. After approval by the Review Authority, compliance with the preceding conditions will bring the proposed subdivision in conformance with the Subdivision Map Act and county ordinances.
23. A map shall be filed in accordance with the Subdivision Map Act and county ordinance prior to sale, lease, or financing of the lots proposed by the subdivision.
24. A tentative map will expire 24 months from the effective date of the approval. Tentative maps may be extended. Written requests with appropriate fees must be submitted to the Planning Department prior to the expiration date. The expiration of tentative maps will terminate all proceedings on the matter.